UNITED STATES PATENT AND TRADEMARK OFFICE

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10/080,949	02/20/2002	Lee S. Weinblatt	5264-31	7804

1933 7590 07/12/2006		EXAMINER
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC		WILDER, PETER C

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

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2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-38_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _20 February 2002_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)

because they do not include the following reference sign(s) mentioned in the

description: Page 9 lines 18 of the detailed specification details control signal "21."

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to

the Office action to avoid abandonment of the application. Any amended replacement

drawing sheet should include all of the figures appearing on the immediate prior version

of the sheet, even if only one figure is being amended. Each drawing sheet submitted

after the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required

corrective action in the next Office action. The objection to the drawings will not be held

in abeyance.

Claim Objections

Claims 4, 14, and 29 are objected to because of the following informalities: The

word "recordal" is used which is not a word. The examiner suggests the word

"recordable" could be used instead.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-14, 17-29, and 32-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Holman (U.S. 5287181).

Referring to claim 1, Holman teaches an interactive method for generating a supplementary, program-related output, comprising:

obtaining a programming signal (Column 9 lines 18-32 teaches encoding a broadcast signal with information in the VBI for example and a broadcast signal contains programming);

obtaining a supplementary, program-related data signal (Column 9 lines 10-32 teaches encoding a broadcast signal with information/coupon data in the VBI, Column 6 lines 5-13 teaches the supplementary data is related to the program);

combining said programming signal and said supplementary, program-related data signal into a broadcast signal (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data);

broadcasting said broadcast signal from a program signal source (Column 9 lines 10-32 teaches receiving a television signal transmission);

receiving said broadcast signal (Column 9 lines 10-33 teaches the signal is a television transmission signal/broadcast signal and Figure 1 teaches an antenna and Column 9 lines 42-47 teaches the signal can be RF which also is a broadcast signal); performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-51);

storing said supplementary, program-related data signal of the received broadcast signal (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3 element 128);

enabling retrieval of said stored supplementary, program-related data signal interactively with said programming signal being performed (Column 6 lines 39-64); and

responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to interactively retrieve said stored supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).

Referring to claim 2, depending on claim 1, Holman teaches the interactive method of claim 1, wherein said supplementary, program-related data signal includes all data necessary to produce a human-perceptible output (Column 6 lines 5-20 teaches a user request being made to store the coupon and because of the logo on the screen).

Referring to claim 3, depending on claim 2, Holman teaches the interactive method wherein said output of said stored supplementary, program-related data signal comprises printing (Column 10 lines 58-66 teaches the coupon can be printed).

Referring to claim 4, depending on claim 2, Holman teaches the interactive method wherein said output of said stored supplementary, program-related data signal comprises electronic recordal in a portable device adapted for use in a reader (Column 10 lines 58-61).

Referring to claim 7, depending on claim 1, Holman teaches the interactive method, wherein said control signal is generated by a handheld, remote control device (Figure 2 element 43 and Column 8 lines 51-55).

Referring to claim 8, depending on claim 1, Holman teaches the interactive method further comprising generating an indication responsive to said supplementary, program-related data signal being received in said broadcast signal to alert the audience that such a supplementary, program-related output is interactively available with the received programming signal being performed (Column 6 lines 5-12).

Referring to claim 9, depending on claim 8, Holman teaches the interactive method wherein said indication is visual (Column 6 lines 5-12).

Referring to claim 10, Holman teaches the interactive method of claim 1, wherein

a plurality of supplementary, program-related outputs can be generated as a

combination of common output data and specific output data (Column 16 lines 55-67

and Column 17 lines 1-6 teaches common output data i.e. household information being

loaded into the memory PROM 309 and the data is combined with coupon information

in AND gate element 305 of Figure 6), with said common output data being common to

at least two of said outputs (Column 16 lines 55-63 teaches subscription service

information element 256 and Column 15 lines 52-60 teach element 256 includes name

element 285 and address 286 both things that don't change from coupon to coupon,

and Column 15 lines 61-65 teaches one Q-Card can store 43 coupons), and said

specific output data being unique to said outputs (Column 15 lines 19-24 teach coupon

fields that would be different between coupons), respectively;

wherein said supplementary, program-related data signal combined with said

programming signal includes said specific output data (Column 9 lines 10-32 teaches

receiving coupon related data in the programming signal and the data would be specific

data because Column 16 lines 55-64 teaches the common data is read into the system

through a subscription card);

wherein said common output data is pre-stored locally with respective members

of said audience for retrieval rather than being broadcast with said programming signal

(Figure 6 element 309 and Column 16 lines 55-66); and

wherein said pre-stored common output data is retrieved and combined with said

received specific output data to generate said supplementary, program-related output in

response to said control signal (Column 16 lines 66-67 and Column 17 lines 1-6

teaches downloading and Figure 6 element 309, 306, 313, 315, 251 and Figure 4

element 251 element 254 and elements 132 and 133).

Referring to claim 11, Holman teaches an interactive method for generating a

supplementary, program-related output from a broadcast signal that is a combination of

a programming signal and a supplementary, program-related data signal (Column 9

lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which

contains programming data), said method comprising:

receiving said broadcast signal (Column 9 lines 10-33 teaches the signal is a

television transmission signal/broadcast signal and Figure 1 teaches an antenna and

Column 9 lines 42-47 teaches the signal can be RF which also is a broadcast signal);

performing said programming signal of the received broadcast signal with

reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-

51);

storing said supplementary, program-related data signal of the received

broadcast signal (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3

element 128);

enabling retrieval of said stored supplementary, program-related data signal

interactively with said programming signal being performed (Column 6 lines 39-64); and

responding to a control signal actuated by a member of said audience tuned to

said programming signal being performed to interactively retrieve said stored

supplementary, program-related data signal and to generate said supplementary,

program-related output (Column 6 lines 54-64 teaches the system allowing the user

who at some point was tuned to the programming signal to output the coupon related to

the program onto a smart card by pressing some buttons).

Referring to claim 12, depending on claim 11, see rejection of claim 2.

Referring to claim 13, depending on claim 12, see rejection of claim 3.

Referring to claim 14, depending on claim 12, see rejection of claim 4.

Referring to claim 17, depending on claim 11, see rejection of claim 7.

Referring to claim 18, depending on claim 11, see rejection of claim 8.

Referring to claim 19, depending on claim 18, see rejection of claim 9.

Referring to claim 20, depending on claim 11, see rejection of claim 10.

Referring to claim 21, Holman teaches an interactive method for generating a

supplementary, program-related output, comprising:

obtaining a programming signal (Column 9 lines 18-32 teaches encoding a

broadcast signal with information in the VBI for example and a broadcast signal

contains programming);

obtaining a supplementary, program-related data signal (Column 9 lines 10-32

teaches encoding a broadcast signal with information/coupon data in the VBI, Column 6

lines 5-13 teaches the supplementary data is related to the program);

combining said programming signal and said supplementary, program-related

data signal into a broadcast signal (Column 9 lines 10-32 teaches combining coupon

data in the VBI of a broadcast signal which contains programming data);

broadcasting said broadcast signal from a program signal source (Column 9 lines

10-32 teaches receiving a television signal transmission);

receiving said broadcast signal (Column 9 lines 10-33 teaches the signal is a

television transmission signal/broadcast signal and Figure 1 teaches an antenna and

Column 9 lines 42-47 teaches the signal can be RF which also is a broadcast signal);

performing said programming signal of the received broadcast signal with

reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-

51);

enabling access to said supplementary, program-related data signal of the

received broadcast signal interactively with said programming signal being performed

(Column 6 lines 39-64); and

responding to a control signal actuated by a member of said audience tuned to

said programming signal being performed to interactively access said supplementary,

program-related data signal and to generate said supplementary, program-related

output (Column 6 lines 54-64 teaches the system allowing the user who at some point

was tuned to the programming signal to output the coupon related to the program onto a

smart card by pressing some buttons).

Referring to claim 22, depending on claim 21, Holman teaches wherein said step

of enabling access to said supplementary, program-related data signal comprises

storing said supplementary, program-related data signal of the received broadcast

signal (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3 element 128).

Referring to claim 23, Holman teaches an interactive method for generating a

supplementary, program-related output, comprising:

obtaining a programming signal (Column 9 lines 18-32 teaches encoding a broadcast

signal with information in the VBI for example and a broadcast signal contains

programming);

obtaining a supplementary, program-related data signal (Column 9 lines 10-32

teaches encoding a broadcast signal with information/coupon data in the VBI, Column 6

lines 5-13 teaches the supplementary data is related to the program);

combining said programming signal and said supplementary, program-related data signal into a broadcast signal (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data);

broadcasting said broadcast signal from a program signal source (Column 9 lines 10-32 teaches receiving a television signal transmission);

receiving said broadcast signal (Column 9 lines 10-33 teaches the signal is a television transmission signal/broadcast signal and Figure 1 teaches an antenna and Column 9 lines 42-47 teaches the signal can be RF which also is a broadcast signal);

performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-51);

storing said supplementary, program-related data signal of the received broadcast signal interactively with said programming signal being performed (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3 element 128);

enabling retrieval of said stored supplementary, program-related data signal (Column 6 lines 39-64); and

responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to retrieve said stored supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).

Referring to claim 24, depending on claim 23, see rejection of claim 2.

Referring to claim 25, depending on claim 23, see rejection of claim 10.

Referring to claim 26, Holman teaches an apparatus for interactively generating a

supplementary, program-related output, comprising:

means for obtaining a programming signal (Column 9 lines 18-32 teaches

encoding a broadcast signal with information in the VBI for example and a broadcast

signal contains programming);

means for obtaining a supplementary, program-related data signal (Column 9

lines 10-32 teaches encoding a broadcast signal with information/coupon data in the

VBI, Column 6 lines 5-13 teaches the supplementary data is related to the program);

means for combining said programming signal and said supplementary, program-

related data signal into a broadcast signal (Column 9 lines 10-32 teaches combining

coupon data in the VBI of a broadcast signal which contains programming data);

means for broadcasting said broadcast signal from a program signal source

(Column 9 lines 10-32 teaches receiving a television signal transmission);

means for receiving said broadcast signal (Column 9 lines 10-33 teaches the

signal is a television transmission signal/broadcast signal and Figure 1 teaches an

antenna and Column 9 lines 42-47 teaches the signal can be RF which also is a

broadcast signal);

means for performing said programming signal of the received broadcast signal

with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines

48-51);

means for storing said supplementary, program-related data signal of the

received broadcast signal (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure

3 element 128);

means for enabling retrieval of said stored supplementary, program-related data

signal interactively with said programming signal being performed (Column 6 lines 39-

64); and

means for responding to a control signal actuated by a member of said audience

tuned to said programming signal being performed to interactively retrieve said stored

supplementary, program-related data signal and to generate said supplementary,

program-related output (Column 6 lines 54-64 teaches the system allowing the user

who at some point was tuned to the programming signal to output the coupon related to

the program onto a smart card by pressing some buttons).

Referring to claim 27, depending on claim 26, see rejection of claim 2.

Referring to claim 28, depending on claim 27, see rejection of claim 3.

Referring to claim 29, depending on claim 27, see rejection of claim 4.

Referring to claim 32, depending on claim 26, see rejection of claim 7.

Referring to claim 33, depending on claim 26, see rejection of claim 8.

Referring to claim 34, depending on claim 33, see rejection of claim 9.

Referring to claim 35, depending on claim 26, see rejection of claim 10.

Referring to claim 36, Holman teaches an apparatus (Figure 2) for interactively

generating a supplementary, program-related output from a broadcast signal that is a

combination of a programming signal and a supplementary, program-related data

signal, said apparatus comprising:

means for receiving said broadcast signal (Column 9 lines 10-33 teaches the

signal is a television transmission signal/broadcast signal and Figure 1 teaches an

antenna and Column 9 lines 42-47 teaches the signal can be RF which also is a

broadcast signal);

means for performing said programming signal of the received broadcast signal

with reproduction equipment for an audience (Column 9 lines 10-32 teaches combining

coupon data in the VBI of a broadcast signal which contains programming data);

means for storing said supplementary, program-related data signal of the

received broadcast signal (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure

3 element 128);

means for enabling retrieval of said stored supplementary, program-related data signal interactively with said programming signal being performed (Column 6 lines 39-64); and

means for responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to interactively retrieve said stored supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).

Referring to claim 37, Holman teaches an apparatus (Figure 2) for interactively generating a supplementary, program-related output from a broadcast signal, comprising:

means for obtaining a programming signal (Column 9 lines 18-32 teaches encoding a broadcast signal with information in the VBI for example and a broadcast signal contains programming);

means for obtaining a supplementary, program-related data signal (Column 9 lines 10-32 teaches encoding a broadcast signal with information/coupon data in the VBI, Column 6 lines 5-13 teaches the supplementary data is related to the program);

means for combining said programming signal and said supplementary, program-related data signal into a broadcast signal (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data);

means for broadcasting said broadcast signal from a program signal source;

means for receiving said broadcast signal (Column 9 lines 10-32 teaches receiving a television signal transmission);

means for performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-51);

means for enabling access to said supplementary, program-related data signal of the received broadcast signal interactively with said programming signal being performed (Column 6 lines 39-64); and

means for responding to a control signal actuated by a member of said audience tuned to said programming signal being performed to interactively access said supplementary, program-related data signal and to generate said supplementary, program-related output (Column 6 lines 54-64 teaches the system allowing the user who at some point was tuned to the programming signal to output the coupon related to the program onto a smart card by pressing some buttons).

Referring to claim 38, Holman teaches an apparatus (Figure 2) for interactively generating a supplementary, program-related output from a broadcast signal, comprising:

means for obtaining a programming signal (Column 9 lines 18-32 teaches encoding a broadcast signal with information in the VBI for example and a broadcast signal contains programming);

means for obtaining a supplementary, program-related data signal (Column 9 lines 10-32 teaches encoding a broadcast signal with information/coupon data in the VBI, Column 6 lines 5-13 teaches the supplementary data is related to the program);

means for combining said programming signal and said supplementary, program-related data signal into a broadcast signal (Column 9 lines 10-32 teaches combining coupon data in the VBI of a broadcast signal which contains programming data);

means for broadcasting said broadcast signal from a program signal source (Column 9 lines 10-32 teaches receiving a television signal transmission);

means for receiving said broadcast signal (Column 9 lines 10-32 teaches receiving a television signal transmission);

means for performing said programming signal of the received broadcast signal with reproduction equipment for an audience (Figure 1 element 96 and Column 3 lines 48-51);

means for storing said supplementary, program-related data signal of the received broadcast signal interactively with said programming signal being performed (Column 6 lines 20-38 and Column 10 lines 45-53 and Figure 3 element 128);

means for enabling retrieval of said stored supplementary, program-related data signal (Column 6 lines 39-64); and

means for responding to a control signal actuated by a member of said audience

tuned to said programming signal being performed to retrieve said supplementary,

program-related data signal and to generate said supplementary, program-related

output (Column 6 lines 54-64 teaches the system allowing the user who at some point

was tuned to the programming signal to output the coupon related to the program onto a

smart card by pressing some buttons).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 6, 15, 16, 30, and 31 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Holman (U.S. 5287181) in view of Kitsukawa et al. (U.S. 6282713

B1).

Referring to claim 5, depending on claim 2, Holman fails to teach the interactive

method wherein said programming signal is for a commercial to advertise a product,

said human-perceptible output is a reward related to purchase of said product, and said

supplementary, program-related data signal is a reward data signal.

In an analogous art Kitsukawa teaches the interactive method wherein said

programming signal is for a commercial to advertise a product (Column 10 lines 37-43),

said human-perceptible output is a reward related to purchase of said product (Column

10 lines 43-50 teaches receiving coupons for products and services in television

commercials), and said supplementary, program-related data signal is a reward data

signal (Column 10 lines 51-54 teaches receiving the coupons at the same time as

program scenes and Column 5 lines 29-37).

At the time the invention was made it would have been obvious for one skilled in

the art to modify the television coupon distribution method of Holman using the

commercial coupon reward method of Kitsukawa for the purpose of allowing the

consumer to save money on particular products during particular times (Column 2 lines

1-4, Kitsukawa).

Referring to claim 6, depending on claim 5, Holman teaches the interactive

method wherein said human-perceptible output produced from said reward data signal

is a discount coupon (Column 6 lines 7-20 teaches the message/rewards signal on the

screen is a coupon and a coupon by definition means a printed form, as in an

advertisement, to be used as an order blank or for requesting information or obtaining a

discount on merchandise).

Referring to claim 15, depending on claim 12, see rejection of claim 5.

Referring to claim 16, depending on claim 15, see rejection of claim 6.

Referring to claim 30, depending on claim 27, see rejection of claim 5.

Referring to claim 31, depending on claim 30, see rejection of claim 6.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peter C. Wilder whose telephone number is 571-272-

2826. The examiner can normally be reached on 8 AM - 4PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant can be reached on (571)272-7294. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PW

CHRISTOPHER GHANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600